

(Mr. van Dongen, Netherlands)

How can we fill this gap? There is, of course, the Soviet draft treaty on the prohibition of the stationing of weapons of any kind in outer space. We have, however, stated on several occasions that it is our considered opinion that this draft treaty does not meet our requirements. On the one hand, it seems that the complexity of arms control in outer space calls not for one comprehensive treaty, but, rather, warrants several instruments dealing with specific subject-matters. On the other hand, the Soviet draft treaty seems to allow for dangerous and inadmissible a contrario arguments that could undermine the provisions of the draft and indeed those of treaties already in force. The verification provisions will have to be scrutinized for their adequacy. Furthermore, the draft contains some baroque ornaments that have no place in a legal text.

For example, draft article 3 raises many questions about the character of the prohibition of the stationing of weapons of any kind in outer space. It seems to leave open the possibility of disabling space objects of other States parties if such objects are not placed in strict accordance with article 1, paragraph 1, of the draft treaty. Furthermore, the prohibition applies only to the space objects of other States which are parties to the treaty. These restrictions, together with the wording of article 1, paragraph 1, referring only to stationing, mean that the Soviet draft treaty does not prohibit the development, testing or production of "objects carrying weapons of any kind" or even their use under certain circumstances.

Another important point in this connection is that a clear definition of the term "weapon" is lacking.

With regard to the verification provisions of this draft treaty, it can be asked why the verification of the implementation of this treaty should be left exclusively to so-called "national" technical means of verification. These means were recognized for the first time as a legitimate method by the United States and the Soviet Union in the SALT agreements. However, what is adequate in a bilateral context is not necessarily adequate or acceptable in a multilateral context. And since we are talking about a multilateral draft treaty, it should in any case leave open the possibility of the further internationalization of the verification of this treaty.

Another observation with regard to the proposed verification régime is that it does not provide for recourse of any kind to international bodies in case of doubts or complaints about compliance or non-compliance with the treaty.

I would like to make some further observations on this subject.

First of all, in our view, the military uses of space by satellites can, thus far, on balance, be described as rather of a stabilizing nature. When we consider possible further measures to prevent an arms race in outer space, we can therefore not ignore developments in the elaboration of anti-satellite weapon systems, which should be regarded as a serious danger because of their destabilizing effect on international peace and security. The more satellites are used as the eyes and ears of modern military forces, the more crippling will be their loss through attacks with anti-satellite weapons. It is therefore entirely justified that General Assembly resolution 36/97 C, in addition to the provisions I referred to earlier, requested this Committee to consider, as a matter of priority, the question of negotiating an effective and verifiable agreement to prohibit anti-satellite systems as an important first step.